

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 04, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RANDALL S. AMES,

Plaintiff,

v.

STANLEY ROY AMES,
individually and in his marital
community and as agent for Ames
Development Corp.;
WESLEY BRUCE AMES,
individually and in his marital
community (if applicable);
MERITA LYNN DYSART,
individually and in her marital
community;
ALLEN C. NIELSON,
individually and in his official
capacity; and
TIMOTHY FENNESSEY,
individually and in his official
capacity,

Defendants.

NO. 2:22-CV-0143-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

1 BEFORE THE COURT is Plaintiff's Complaint and the Clerk's Notice of
2 Deficient Filing. ECF Nos. 1, 2. The Court has reviewed the record and files
3 herein and is fully informed. For the reasons discussed below, this action is
4 dismissed without prejudice.

5 On June 16, 2022, Plaintiff filed a *pro se* civil rights complaint pursuant to
6 42 U.S.C. § 1983 and 18 U.S.C. § 1962, without payment of the mandatory filing
7 fee or the filing of an application to proceed *in forma pauperis*. On that same date,
8 Plaintiff was advised of this deficiency and was advised that the case was subject
9 to dismissal if the filing fee or appropriate application to proceed *in forma pauperis*
10 was not filed by June 30, 2022. ECF No. 2.

11 To date, Plaintiff has not complied with the filing fee or application to
12 proceed in forma pauperis.

13 Parties filing actions in the United States District Court are required to pay
14 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
15 payment of a filing fee only upon granting of *in forma pauperis status*. See 28
16 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of the
17 action without prejudice. See *Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir.
18 1995) (district court has authority to dismiss without prejudice prisoner complaint
19 for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890 (9th Cir.

1 1992) (affirming dismissal of appeal of *pro se* litigant for failure to pay required
2 filing fees).

3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 This action is **DISMISSED without prejudice** for failing to pay the filing
5 fee or filing a properly completed Application to Proceed *In Forma Pauperis*
6 pursuant to 28 U.S.C. §§ 1914(a) and 1915(a).

7 The District Court Executive is directed to enter this Order, enter judgment
8 accordingly, furnish a copy to Plaintiff at his address of record, and **CLOSE** the
9 file.

10 **DATED** August 4, 2022.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge